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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC PRIORITY 0416
INFO AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO
USMISSION USUN NY PRIORITY
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USSOUTHCOM QUARRY MTS
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SECTION 1 OF 2 BUENOS AIRES 5535

CINCLANT FOR POLAD, SOUTHCOM FOR INTAFF

E.O. 12065: GDS 7/29/81 (FREIDMAN, T.B.) OR-P
TAGS: SHUM AR
SUBJECT: PEREZ ESQUIVEL AND HUMAN RIGHTS IN ARGENTINA

REF: SHITMAN/FRIEDMAN TELECON 7/29/81

1. ENTIRE TEXT.

2. SUMMARY. THE HUMAN RIGHTS SITUATION IN ARGENTINA IS VASTLY IMPROVED OVER THE RECENT PAST. BLEMISHES ON THE RECORD, INCLUDING THE HARASSMENT OF NOBEL PRIZE LAUREATE ADOLFO PEREZ ESQUIVEL, SHOULD NOT OBSCURE THIS FAVORABLE EVOLUTION. ONE EXPERIENCED AND RELIABLE OBSERVER OF ARGENTINE PROGRESS IN THE HUMAN RIGHTS FRONT SURVEYED THE SCENE RECENTLY AND CONCLUDED THAT THERE HAS BEEN "GENUINE IMPROVEMENT AND ONE MUST BE THANKFUL FOR IT." HUMAN RIGHTS ACTIVISTS AND OTHERS ARE CONCERNED ABOUT THE LACK OF ACCOUNTING FOR DISAPPEARANCES BUT NEITHER THE ARGENTINE PUBLIC NOR THE MAJOR POLITICAL PARTIES IN THE COUNTRY HAVE TAKEN UP THAT CONCERN. SOME SENSITIVE OBSERVERS WONDER HOW FAR ARGENTINA CAN PROGRESS TOWARDS AN OPEN SOCIETY SO LONG AS THIS ISSUE REMAINS AN OPEN ONE, IF ONLY BECAUSE THE HUMAN RIGHTS ACTIVISTS SEEM DETERMINED TO PRESS THE MATTER INTERNATIONALLY, IN THE COURTS AND IN THE PRESS, THEREBY ALARMING THE MILITARY. END SUMMARY.

3. WE UNDERSTAND THAT ARGENTINA'S NOBEL PEACE PRIZE WINNER PEREZ ESQUIVEL HAS AGAIN, THIS TIME TO THE NEW YORK TIMES, PUBLICLY VOICED HIS CONCERN ABOUT THE HARASSMENT HE IS EXPERIENCING IN ARGENTINA, INCLUDING THREATENING PHONE CALLS AND SURVEILLANCE. PEREZ ESQUIVEL'S COMPLAINT JOINING CRITICISM OF THE ARGENTINE SITUATION IN THE UNITED STATES WHICH REJECTS THE IDEA THAT THERE HAS BEEN SIGNIFICANT HUMAN RIGHTS PROGRESS HERE OVER THE PAST TWELVE MONTHS.

4. COMMENT: PEREZ ESQUIVEL IS PROBABLY BEING SUBJECTED TO THE KIND OF HARASSMENT HE HAS DESCRIBED. IN RECENT MONTHS OTHERS HAVE, AT ONE TIME OR ANOTHER, BEEN VICTIMS OF SIMILAR TREATMENT, INCLUDING TWO JOURNALISTS WORKING FOR "LA PRENSA" WHO HAVE CRITICIZED THE REGIME IN STRONG TERMS AND LAWYER WHO WORK FOR THE CENTER FOR LEGAL AND SOCIAL STUDIES (CELS). ONE MAN, HORACIO ALBERTO CASTRO, APPEARS TO HAVE BEEN MURDERED BY SECURITY FORCES. SUCH ACTS AND HARASSMENT IS ALMOST CERTAINLY THE WORK OF ONE OR THE OTHER OF THE SECURITY SERVICES OPERATING HERE. WE HAVE NO EVIDENCE -- AND VERY MUCH DOUBT -- THAT PRESIDENT VIOLA AND HIS CLOSE COLLABORATORS APPROVE OR AUTHORIZE SUCH ACTIONS. NEVERTHELESS, THE AUTHORS, WHOEVER THEY ARE,

MUST HAVE THE SUPPORT OF WELL UP WITHIN THEIR RESPECTIVE ORGANIZATIONS. IN THE WEEKS AHEAD, THIS ISSUE MAY GET INCREASED ATTENTION SINCE ONE OF THE "LA PRENSA" JOURNALISTS, IGLESIAS ROUCO, TOLD US IN CONFIDENCE THAT BECAUSE OF THE INTIMIDATION HE MAY LEAVE ARGENTINA, FOR AT LEAST A SHORT VISIT TO THE UNITED STATES.

5. THESE EVENTS OBSCURE OTHER, MORE POSITIVE DEVELOPMENTS. ON SEVERAL OF THE MAJOR ISSUES AND SOME OF THE MINOR ONES THERE HAS BEEN AND CONTINUES TO BE SIGNIFICANT PROGRESS HERE. THERE HAVE BEEN NO DISAPPEARANCES IN ALMOST A YEAR. THE GOVERNMENT IS WORKING HARD TO REDUCE THE NUMBERS OF PEN PRISONERS WHICH, AS A RESULT OF RELEASES THIS MONTH, PROBABLY TOTAL LESS THAN 800. COURT REVIEW OF PEN DETENTIONS HAS BECOME FAR MORE MEANINGFUL. THE NATION'S LARGEST POLITICAL PARTIES ARE MEETING WITH EACH OTHER, NOT MERELY TO CRITICIZE THE REGIME BUT TO COMPACT AMONG THEMSELVES AND OFFER THE COUNTRY AN ALTERNATIVE TO THE PRESENT REGIME. WHILE THE RESULTS SO FAR ARE LIMITED TO STERILE OLD IDEAS AND SEARCH FOR UNDERSTANDING WITH THE NATION'S MILITARY TUTORS, THERE CAN BE NO DOUBT THAT THESE PARTIES ARE

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Margaret P. Grafeld, Director

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EXERCISING THEIR AUTHORITY INDEPENDENTLY OF THE ARMED FORCES, THE PRESS, WHICH TWELVE MONTHS AGO WAS VERY CAUTIOUS IN TREATING SUCH THEMES AS POLITICAL OPPOSITION AND HUMAN RIGHTS, NOW TAKES ON THESE ISSUES WITHOUT SEEMING INHIBITION, AND LEADING HUMAN RIGHTS ACTIVISTS HAVE TOLD US THAT THE HARRASSMENT TO WHICH THEY WERE SUBJECTED SEVERAL MONTHS AGO HAS NOW STOPPED. EVEN THE PETERS TAKEN FROM THE MOTHERS OF THE PLAZA DE MAYO WHO WERE RETURNING FROM THE UNITED STATES HAVE BEEN RETURNED TO THEM.

6. THUS, ARGENTINA IN JULY 1981 IS FURTHER ALONG TOWARDS THE RULE OF LAW THAN IT WAS IN JULY 1980, TO SAY NOTHING OF THE SITUATION IN 1979 OR BEFORE. THE PROBLEMS THAT PEREZ ESQUIVEL IS EXPERIENCING, THE ARREST OF ADMIRAL MASSERA FOR HIS STATEMENTS AND THE TEMPORARY SUSPENSION OF HIS MAGAZINE, THE BRIEF DETENTION OF 23 STRIKE LEADERS, THE INTIMIDATION OF ROUICO AND SCHOENFELD SHOULD NOT OBSCURE THAT JUDGEMENT. THEY MEASURE PERHAPS HOW FAR THE COUNTRY HAS TO GO TOWARDS THE KIND OF RULE OF LAW THAT ARGENTINES ASPIRE TO BUT HAVE SELDOM EXPERIENCED. BUT THEY ARE NOT ACCURATE INDICATORS FOR HOW FAR THE COUNTRY HAS COME. A FEW YEARS AGO PEREZ ESQUIVEL WOULD HAVE BEEN JAILED, AT A MINIMUM; MASSERA WOULD NEVER HAVE DARED CHALLENGE THE ARMY PUBLICLY; ROUICO AND SCHOENFELD WOULD NEVER HAVE PUBLISHED THE COLUMNS THAT GOT THEM INTO TROUBLE; AND, LABORERS WOULD NEVER HAVE DARED TO STRIKE, LET ALONE WIND UP IN COURT -- AND THEN FREE -- AFTER THEY DID. IN SUCH CONTRASTS LIE THE MEASURE OF HOW THE COUNTRY HAS EVOLVED. THUS, JAMES NEILSON, ONE OF THE NATION'S LEADING HUMAN RIGHTS FIGURES AND EDITOR OF THE "BUENOS AIRES HERALD," COULD TAKE ISSUE ON JULY 26 WITH ALLEGATIONS IN THE UNITED STATES THAT THINGS HAVE GOTTEN WORSE HERE RATHER THAN BETTER OVER THE LAST TWELVE MONTHS. NEILSON DEMURRED STRONGLY FROM THIS JUDGEMENT, STATING THAT PROGRESS HERE "MAY NOT BE VERY IMPRESSIVE TO SOMEBODY IN WASHINGTON, BUT IN THE LIGHT OF THE BLOODY ANARCHY THAT PREVAILED HERE NOT SO VERY LONG AGO IT DOES REFLECT GENUINE IMPROVEMENT AND ONE MUST BE THANKFUL FOR IT."

7. OF COURSE, PEREZ ESQUIVEL, NEILSON AND OTHERS REMAIN DISTURBED THAT THE GOVERNMENT HAS MADE NO MOVE TO CLARIFY THE SITUATION OF THE MANY THOUSANDS WHO DISAPPEARED IN THE PAST, BUT THOSE VOICES THAT CALL FOR AN ACCOUNTING HAVE LITTLE AUDIENCE IN ARGENTINA. IN FACT, THE MULTI-PARTY CONCLAVE REFERRED TO ABOVE HAS CONSCIOUSLY AND CONSISTENTLY TURNED A DEAF EAR TO ARGENTINE HUMAN RIGHTS ACTIVISTS WHO TRIED TO GET THE

MATTER OF DISAPPEARANCES INCLUDED ON THE POLITICAL PARTIES' AGENDA. THE PARTIES' REFUSAL TO TAKE UP THIS MATTER REFLECTS NOT ONLY THEIR CONVICTION THAT TO DO SO WOULD SOUR THE MILITARY, IT ALSO IS ROOTED IN THEIR CONVICTION THAT MOST ARGENTINES WANT TO GET ON WITH THE FUTURE.

8. THIS IS NOT TO SAY THAT HUMAN RIGHTS ORGANIZATIONS AND OTHERS IN ARGENTINA WILL NOT PURSUE THIS ISSUE. EVEN TODAY THEY ARE DOING SO THROUGH THE PRESS, INTERNATIONAL FORA AND THE COURTS. THEY WILL CONTINUE, AND THIS DIFFICULT PROBLEM WILL CONTINUE TO LAY ACROSS THE NATION'S FUTURE. SOME PREDICT THAT UNTIL IT IS RESOLVED IT WILL OBSTRUCT THAT FUTURE.

9. PEREZ ESQUIVEL'S FAILURE EVEN AFTER WINNING THE NOBEL TO CONVERT THE ISSUE OF THE DISAPPEARED INTO A POPULAR CAUSE MAY BE TRACED IN PART TO THE CALCULATED INDIFFERENCE OF THE POLITICIANS AND THE COOLNESS OF THE ARGENTINE PUBLIC. IT ALSO MUST BE SAID THAT THE ARGENTINE GOVERNMENT SUCCEEDED TO A LARGE DEGREE IN PORTRAYING TO THE PUBLIC THAT THE NOBEL AWARD WAS A VICTORY FOR "ANTI-ARGENTINE FORCES," THEREBY RALLYING ARGENTINE NATIONALISM AGAINST PEREZ. THE GOVERNMENT'S CAMPAIGN WAS MADE EASIER BY PEREZ'S RELATIVE OBSCURITY EVEN AMONG OTHER HUMAN RIGHTS ACTIVISTS -- AND THE INSIGNIFICANCE OF HIS ORGANIZATION IN ARGENTINA. EVEN TODAY HIS STRENGTH AND SUPPORT HAVE NOT MULTIPLIED. HIS IMAGE AS A NON-PARTISAN FIGURE WAS FURTHER DAMAGED FOR SOME WHEN HE SUPPORTED THE RECENT ATTEMPT AT A NATIONAL STRIKE BY ONE SECTOR OF ARGENTINE LABOR. HOWEVER, AFTER PEREZ COMPLAINED PUBLICLY THAT THE GOA IS NOT PAYING HIM THE PENSION OF ABOUT DOLS 3,000 MONTHLY TO WHICH HE IS ENTITLED UNDER ARGENTINE LAW AS A NOBEL WINNER, THE GOA STATED THAT THE PAYMENT WILL BE MADE AFTER THE PAPERWORK IS FINISHED. SHLAUDEMAN

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